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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,437	04/23/2001	Tadamaşa Kitsukawa	50P4416	4173

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06/05/2006

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,437

Applicant(s)

KITSUKAWA ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3 and 5-8 is/are allowed.
- 6) ☒ Claim(s) 1, 9, 10, 12-18, 20-27 is/are rejected.
- 7) ☒ Claim(s) 11 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 10, 14 – 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf et al (US 6,449,767 in view of Martin et al (US 2002/0067376).

Regarding claims 1, 9, 10, 14, 15, 16, 17, 18, 21 and 22 Krapf et al teaches a system for displaying an integrated portal screen on a in interactive television (see col. 3 line 51). Krapf discloses a personalized portal screen generated according to personal preferences. The portal screen provides integration of the internet and broadcast channel access (see col. 2 lines 39 – 40). Krapf further discloses a broadcast television

headend 7 (see fig.1) or “interactive television server” which enables a user to communicate video-on-demand or PPV requests (see col. 4 lines 15 – 23), a web server which enables a user to access the internet via modem 28 (see col. 3 lines 30 – 35), and television signal source which is inherently provides programming to headend 7. Krapf further discloses the portal screen comprises at least one television content panel 16 (see fig. 2) and at least one internet panel 20 (see “internet access”) and further discloses icon 38 provides additional information by connecting to the Internet (see col. 4 lines 12 – 14). The portal screen is displayed when the television is initially turned on (see col. 5 lines 10 – 23, col. 3 lines 50 – 60).

Although Krapf discloses simultaneously displaying a television content panel displaying television content and an internet panel, Krapf fails to disclose simultaneously displaying Internet content with the television content.

In analogous art, Martin teaches portal for a communication system in which a portal screen is generated as a “home base” from which a user can navigate to the different features within the system (see para. [0005]). Martin teaches “The example of portal of Fig. 5C may be extended into a general portal for viewing video channels, launching interactive applications, and interfacing with local or remote stored content” (see para. [0086]) and “Locally assembled content may include....internet content, etc” (see para. [0089]). Martin further teaches “Portal 100 enables a variety of different applications (e.g. tuning to television channels, including pay-per-view purchases, product/service purchases, etc.) to be launched from the same screen and therefore provides simple and intuitive access to the wide variety of services offered by the

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system operator.” It would have been obvious modifying Krapf to include the claimed displaying internet content panel with internet content with the television content would have provided access to a variety of different applications launched from the same screen providing simple and intuitive access to a wide variety of services. Therefore, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify Krapf, to include the claimed limitations for the benefit of providing access to a variety of different applications launched from the same screen providing simple and intuitive access to a wide variety of services.

Claims 12, 13, 20, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Martin as applied to claims 1, 9 and 16 above, and further in view of Macrae (US 2004/0103439).

Regarding claims 12, 13, 20 and 23 Krapf and Martin fail to teach a gateway screen button and the gateway screen button is displayed when the gateway screen button is toggled, a remote control unit, the remote control unit have a gateway screen button and the gateway screen is displaying the when the gateway screen button is toggled.

In analogous art, Macrae teaches displaying gateway screen (see fig. 3 and fig. 4) when a user toggles an internet/ tv button 56 or ‘gateway screen button’ on a remote control (see fig. 5 and para [0031]). Macrae further teaches when a user presses the button 56 on the remote, an internet/tv gateway screen is directly displayed (see para. [0031]). Therefore, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to modify the combination of Krapf and Martin to include the claimed limitations for the benefit of quickly and directly accessing the portal screen when the user so desires.

Regarding claim 25, the combination of Krapf and Martin fail to disclose wherein content in the Internet content panel is related to content in the television content panel.

In analogous art, Macrae teaches a multi-panel television system in which content in an internet panel is related to content in the television panel to provide a user with supplemental information about the program in the television panel (see para. [0026] – [0029]). Therefore, it would have been obvious to modify the combination of Krapf and Martin to include the claimed limitation for the benefit of providing a user with supplemental information about the program displayed in panel 16 (fig. 2) of Krapf.

Regarding claim 26, Krapf discloses content in the television panel includes broadcast channels (see col. 3 lines 58 – 60). Necessarily, the content is received from a real-time broadcast.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Martin as applied to claim 16 above, and further in view of Iwafune et al (US 5,880,720).

Regarding claim 24, the combination of Krapf and Martin fails to disclose the claimed wherein the gateway screen is stored in a memory within an interactive television.

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In analogous art, lwafune teaches "...a menu of interactive services provided by a server is previously stored in a storage medium of an interactive television". lwafune is evidence it would have been well known to store an interactive menu screen within a television for the purpose of having the screen readily available. Therefore, it would have been obvious to modify the combination of Krapf in view of Martin to store the gateway screen in a television to have the screen readily available and to prevent having to generate the portal screen each time a user wishes to view the screen during a given viewing session.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krapf in view of Martin and Macrae, as applied to claim 25 above, and further in view of Yoshimura et al (US 6,204,886).

Regarding claim 27, the combination of Krapf, Martin and Macrae fails to disclose wherein the content in the television content panel is received from a storage associated with the television.

In analogous art, Yoshimura teaches "A hard disk drive unit 4 is built in the television receiver 1". A program which is being received by the television 1 is always recorded in the hard disk drive unit 4. In such a television receiver having the hard disk drive unit 4, it is possible to trace back and reproduce an overlooked scene or a scene which the user wants to again see of to record and reproduce a desired program". Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Krapf, Martin and Macrae to

include the claimed the claimed storage associated with the television to enable a user to trace back and reproduce and overlooked scene or a scene which a user wants to see again.

Allowable Subject Matter

Claims 2, 3 are 5 – 8 allowed.

Claims 11 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIVEK SRIVASTAVA
PRIMARY EXAMINER